

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES S. GORDON, JR.

Plaintiff,

v.

COMMONWEALTH MARKETING GROUP,
INC., a Pennsylvania
corporation, and JOHN DOES 1-10,

Defendants.

NO. CV-08-5074-EFS

**ORDER GRANTING DEFENDANT
COMMONWEALTH'S MOTION FOR
PROTECTIVE ORDER**

COMMONWEALTH MARKETING GROUP,
INC. a Pennsylvania corporation,

Third-Party Plaintiff

v.

IMPULSE MARKETING GROUP, INC.,

Third-Party Defendant

Before the Court, without oral argument, is Defendant Commonwealth Marketing Group, Inc.'s ("Commonwealth") Motion for Protective Order (Ct. Rec. [22](#)), which requests that the Court issue a protective order authorizing the limited public disclosure of a confidential settlement agreement, dated October 12, 2004, that Defendant and Plaintiff James S. Gordon, Jr. entered into in a prior lawsuit. No response was filed. Failure to respond is considered consent to entry of an adverse Order.

1 LR 7.1(h) (5). Additionally, the Court finds that good cause exists to
2 enter a protective order allowing the limited disclosure of the prior
3 settlement agreement given that Commonwealth has raised an affirmative
4 defense of release based on the settlement agreement. Accordingly, **IT**
5 **IS HEREBY ORDERED:**

6 1. Defendant Commonwealth's Motion for Protective Order (**Ct. Rec.**
7 **22**) is **GRANTED**.

8 2. The Settlement Agreement, dated October 12, 2004, may be
9 disclosed in whole or in part, to any third party if Plaintiff and
10 Commonwealth agree in writing.

11 3. In addition, Plaintiff and Commonwealth may disclose the
12 Settlement Agreement, dated October 12, 2004, in whole or in part,
13 without the consent of the other party to the following individuals,
14 with a notation that the document is "confidential:"

- 15 a. Counsel, including legal staff, for any and all parties
16 to this action;
- 17 b. Consultants and experts retained in good faith to assist
18 the party in evaluating a claim or defense or litigating
19 this lawsuit;
- 20 c. the Court, including court personnel, court reporters,
21 and stenographers employed in connection with this action
22 (The Settlement Agreement shall be submitted under seal
23 if filed);
- 24 d. any party to this action, including the party's
25 employees, agents, and officers, after such individual
26 agrees in writing to maintain the confidentiality of the
27

1 Settlement Agreement; and

2 e. any witness who is asked or is reasonably likely to be
3 asked to testify about the Settlement Agreement after
4 such witness agrees in writing to maintain the
5 confidentiality of the Settlement Agreement.

6 **IT IS SO ORDERED.** The District Court Executive is directed to
7 enter this Order and provide a copy to Plaintiff and counsel.

8 **DATED** this 25th day of June 2009.

9
10 S/ Edward F. Shea
11 EDWARD F. SHEA
12 UNITED STATES DISTRICT JUDGE

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